

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:05-00106

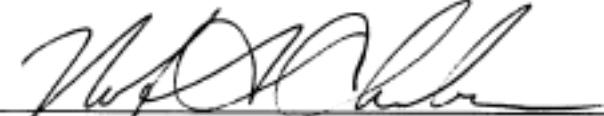
TODD ALLEN ROBINSON

MEMORANDUM OPINION AND ORDER

Pending is the motion of the defendant to continue his October 17 sentencing hearing and be released from custody to allow him to participate in a six-month in-patient alcohol abuse program. Pursuant to 18 U.S.C. §§ 3142(f)(1)(A) and 3143(a)(2) the defendant must be detained unless the Court finds clear and convincing evidence that he is not likely to flee or pose a danger to the community and either there is a substantial likelihood that a motion for acquittal or new trial will be granted or the attorney for the government has recommended that no sentence of imprisonment should be imposed. Although those conditions do not exist in this case, 18 U.S.C. § 3145(c) would allow for the defendant's release if, among other conditions, "it is clearly shown that there are exceptional reasons why such person's detention would not be appropriate." The defendant's effort to secure treatment for alcohol abuse, while commendable, does not meet the high standard of a showing of "exceptional reasons" that would warrant release. Accordingly, the defendant's motion is **DENIED**.

The Court **DIRECTS** the Clerk to send a copy of this written order to the defendant and counsel, the United States Attorney, the United States Probation Office, and the United States Marshal.

ENTER: August 11, 2005



ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE